

REMARKS

Claims 1-13 and 16-19 are pending herein. By this Amendment, paragraphs [0011] and [0012], and claims 1, 8, 16, 17, and 19 are amended to correct typographical errors. Claims 1 and 17 are further amended to recite that the number of bristle packets attached to the base member is three or four. Claims 14 and 15 are cancelled, and claim 16 is amended to modify dependency from canceled claim 14 to claim 1.

Accordingly, no new matter is added by this Amendment.

I. Claim Rejections under 35 USC §112

Claims 1-19 were rejected by the Patent Office under 35 USC § 112, second paragraph for allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection.

In particular, the Patent Office has indicated that the language “hallow” in claims 1, 14, and 19 seems inappropriate. By this Amendment, claims 1, 8, 16, 17, and 19 are amended to correct the typographical error and to recite “hollow” instead of “hallow.” Claim 14 is cancelled.

The Patent Office also deemed claims 1 and 17 as allegedly being indefinite for reciting one or more support holes and three or more bristle packets attached to the base member via the support holes.

By this Amendment, claims 1 and 17 have been amended to recite three or four bristle packets are attached to the base member via support holes; the number of support holes being the same as the number of bristle packets.

In view of the amendments to the claims, Applicant respectfully submits that the rejection has been overcome. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims.

II. Claim Rejections under 35 USC §103(a)

A. Claims 1-7, 9-12, 14 and 15

Claims 1-7, 9-12, 14 and 15 were rejected by the Patent Office under 35 U.S.C. § 103(a) for allegedly being obvious over US Design Patent No. D369,845 to Knez (hereinafter “Knez”) in view of US Design Patent No. D181,633 to Fariest (hereinafter “Fariest”).

Applicant respectfully traverses the rejection.

By this Amendment, claims 14 and 15 are cancelled. Claim 1 is amended to recite that there are three or four bristle packets.

Knez fails to teach or suggest the present invention. Instead, Knez shows a golf tee having eight extensions rising up from a circular base. By admission of the Patent Office, Knez fails to teach having one or more support holes in the circular base and three or four bristle packets within the holes as set forth in present claim 1.

Further, Knez teaches and suggests a golf tee design that does not appear to be a golf tee cap as in the present invention. The present invention is a golf tee cap that works in conjunction with a standard golf tee. Knez does not teach or suggest a golf tee cap for a golf tee. Instead, Knez teaches a golf tee.

Fariest fails to overcome the deficiencies of Knez.

Fariest was relied on by the Patent Office as allegedly teaching a golf tee design including a base member and a plurality of bristle packets for support of a golf ball.

The present invention is a golf tee cap that fits a standard golf tee. Like Knez, Fariest is a golf tee. The Fariest golf tee design limits the play options for a player. That is, for example, the Fariest golf tee requires trimming the groups of bristles in certain situations in order to be able to properly hit the ball. As the present invention is a golf tee cap, it allows for greater variation in height and allows for better dissipation of energy when struck by a golf club.

The present invention also has three or four bristle packets extending upwardly from the base member. Fariest's design has eight bristle packets extending upward from a base member. Nowhere in Fariest's design is it taught or suggested that there is any advantage in limiting the number of bristle packets to three or four as in the present invention.

Limiting the number of bristle packets to three or four as in the present invention dramatically decreases the coefficient of friction between the ball and the bristle packets. This is because there are fewer contacts between the ball and bristle packets as a whole.

In addition, having three or four bristle packets allows for a golf ball to be struck by a golf club and fly away from the golf tee cap and associated golf tee with a minimum obstruction created by any bristle packets in front of the ball.

That is, as a golf ball is struck by a golf club, it compresses slightly as it moves forward in the direction of the swing of the golf club. If bristle packets are in front of the golf ball as it is struck, compresses, and move forward, these bristle packets can hinder the forward movement of the ball. Having three or four bristle packets allows for the minimum number of bristle packets upon which to rest a ball and therefore also the least possible obstructions to the forward movement of a struck golf ball.

Thus, for the foregoing reasons, Applicant submits that Knez and Fariest, whether taken singly or in combination, fail to teach or suggest the present invention.

Reconsideration and withdrawal of the rejection are respectfully requested.

B. Claims 8, 13 and 16-19

Claims 8, 13 and 16-19 were rejected by the Patent Office under 35 U.S.C. § 103(a) for allegedly being obvious over Knez in view of Fariest and US Patent No. 1,670,123 to Ranseen (hereinafter "Ranseen"). Applicant respectfully traverses the rejection.

Claims 8, 13, and 16 are dependent upon independent claim 1. Claims 18 and 19 are dependent upon independent claim 17.

As set forth above with regard to independent claim 1, and therefore also to independent claim 17 which includes the same limitations as claim 1, Knez fails to teach or suggest the present independent claims. In particular, Knez fails to teach or suggest the present golf tee cap having support holes in the circular base and three or four bristle packets within the support holes.

Fariest fails to overcome the deficiencies of Knez. As set forth above, Fariest fails to teach or suggest the present golf tee cap having support holes in the circular base and three or four bristle packets within the support holes.

Ranseen fails to overcome the deficiencies of Knez and/or Fariest. Ranseen was relied upon as allegedly teaching a golf tee collar connected to a flexible cord and weight for anchoring the golf tee when struck by a golf club.

However, Ranseen fails to describe a golf tee cap having support holes in the circular base and three or four bristle packets within the holes as set forth in the present independent claims 1 and 17. In fact, a golf ball placed on a golf tee having the Ranseen golf tee collar would still be placed on the top portion of a standard golf tee. As such, the ball would have to overcome at least the same frictional forces when struck with a golf club as compared to a standard golf tee, and therefore much more frictional force than when the present golf tee cap is used.

Thus, for the foregoing reasons, Applicant submits that Knez, Fariest, and Ranseen, whether taken singly or in combination, fail to teach or suggest the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

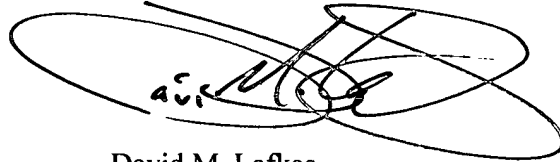
### III. Conclusion

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 and 16-19 are earnestly solicited.

Application No. 10/711,594  
Amendment dated February 07, 2006  
Reply to Office Action of November 10, 2005

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Lafkas', enclosed within a large, loopy oval scribble.

David M. Lafkas  
Registration No. 50,424

DML/hs

Date: February 07, 2006

**LAFKAS PATENT LLC**  
**7811 Laurel Avenue**  
**Cincinnati, OH 45243**  
**Telephone: (513) 271-8255**  
**Facsimile: (513) 271-0628**  
**dlafkas@lafkaspatent.com**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to my Deposit Account No. 502739</p>
---